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Chairman: Mr. Bennouna ..... (Morocco)

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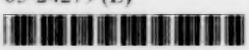

The meeting was called to order at 4.25 p.m.

Agenda item 150: International convention against the reproductive cloning of human beings (*continued*) (A/C.6/59/L.26*, A/C.6/59/L.27 and Corr.1 and Add.1 and Corr.1 and Add.2, and A/C.6/59/L.28).

Draft resolutions A/C.6/59/L.26 and A/C.6/59/L.27/Add.1*

1. **The Chairman** introduced the report of the Working Group on the Convention against the Reproductive Cloning of Human Beings (A/C.6/59/L.27 and Corr.1 and Add.1 and Corr.1 and Add.2) established pursuant to General Assembly decision 59/547 to finalize the text of a United Nations declaration on human cloning. The Working Group, of which he had been Chairman, had met on 14 and 15 February 2005 and on 18 February 2004 prior to the current meeting. During its consultations, he had withdrawn the draft resolution contained in document A/C.6/59/L.27/Add.1 (the so-called Chairman's text). Honduras had subsequently reintroduced that text as its own proposal. In addition, Belgium had submitted amendments to the original draft resolution, A/C.6/59/L.26*, which were contained in document A/C.6/59/L.28.

2. He invited the Committee to take action on the three documents referred to above as recommended by the Working Group.

3. **Mr. Suazo** (Honduras) proposed a motion under article 131 of the rules of procedure of the General Assembly to reverse the order of consideration of the proposals before the Committee, so as to consider first draft resolution A/C.6/59/L.27/Add.1 (the Honduran proposal), which was the product of negotiations in the Working Group, and second, draft resolution A/C.6/59/L.26*. The motion reflected the importance attached by his delegation to the extensive effort involved in the elaboration of the draft resolutions.

4. **Ms. Tugral** (Turkey), speaking on behalf of the Organization of the Islamic Conference (OIC), said that human cloning affected the very existence and dignity of humankind. From the beginning of the discussions, OIC had maintained that any text on the subject must be adopted by consensus. Turkey had expressed its support for the Working Group as a mechanism that would hasten the elaboration of a text for adoption and had remained optimistic that consensus could be achieved. Regrettably, agreement had not been reached on any text, and the Committee was being asked to vote on a declaration that would be of value only if approved by all Member States. The Organization of the Islamic Conference therefore reserved the right to abstain from voting.

5. **Mr. Pecsteen de Buytswerve** (Belgium) said that it would be more appropriate to follow established practice and vote on the proposals in the order of their submission. First, the amendments to the original draft resolution that had been submitted by his delegation within the time limits, under article 120 of the rules of procedure of the General Assembly, had not yet been put before the Committee for consideration. Second, the original text, which had been circulated a few months earlier, was already well known to the Committee, while the Honduran proposal had first come to the attention of delegations that morning. It would therefore be logical to consider first the original text and the amendments thereto.

6. **Mr. Much** (Germany) said that while he agreed with the representative of Turkey that it would have been preferable to reach consensus, he nonetheless supported the motion to vote first on the Honduran proposal. It was already familiar to the Committee, having been circulated previously as the "Chairman's text". It was more likely to achieve a clear majority and therefore deserved priority consideration.

7. **Mr. Gómez Robledo** (Mexico) expressed appreciation to the Chairman for the tremendous efforts he had made in steering the Working Group towards a consensus.

8. Like the vast majority of delegations, Mexico had not wished to see a vote taken. Under the circumstances, however, it supported the Honduran proposal for the reasons expressed by the representative of Germany. In addition, giving priority to the original draft resolution ignored the hard work and achievements of the Working Group and unacceptably turned the clock back to December 2004. The best course of action, one that reflected the current stage of the negotiations, would be to vote first on the Honduran proposal and then, depending upon the outcome of that vote, on the other text.

9. **Mr. Nesi** (Italy) expressed his delegation's support for the Honduran proposal.

10. **Ms. Hallén** (Sweden) said that her delegation supported Belgium's position as to the order in which the texts should be considered and agreed that there should be an opportunity for the amendments to be presented.

11. **Ms. Katungye** (Uganda), supported by **Mr. Ndekhedehe** (Nigeria), said that her delegation associated itself with the representative of OIC concerning the regrettable necessity of a vote and supported the Honduran proposal.

12. **Mr. Adsett** (Canada) said that, in view of the lack of consensus, it would be better to consider the draft resolutions in the order in which they had been submitted.

13. **Mr. Su** Wei (China) said that he regretted the lack of consensus and supported the motion to follow the customary practice and vote on the items in the order of their submission. He drew the Committee's attention to the Chinese version of paragraph 2 (b) of draft resolution A/C.6/59/L.27/Add.1, in which the phrase "inasmuch as" had been mistranslated.

14. **Ms. Ramoutar** (Trinidad and Tobago) said that even though no consensus had been reached, the Honduran proposal represented the current stage of the negotiations and the Committee's closest approximation of consensus on the question. The original draft resolution was the starting point of the negotiations, and to begin by voting on that text would be to take a step backward.

15. **Mr. Ha** Chan-ho (Republic of Korea) said that his delegation endorsed the proposal by the representative of Belgium that the Committee should take action first on draft resolution A/C.6/59/L.26*.

16. **The Chairman** said that a recorded vote had been requested on the Honduran motion to reverse the order of consideration of the proposals before the Committee.

17. *A recorded vote was taken.*

In favour:

Albania, Andorra, Angola, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liechtenstein, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Sierra Leone, Slovakia, Sudan, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, United States of America, Uzbekistan.

Against:

Argentina, Bahamas, Barbados, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Czech Republic, Denmark, Estonia, Finland, France, Greece, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mongolia, Netherlands, New Zealand, Poland, Republic of Korea, Singapore, Sweden, Syrian Arab Republic, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Viet Nam.

Abstaining:

Algeria, Armenia, Austria, Azerbaijan, Bahrain, Burkina Faso, Comoros, Cyprus, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Mali, Morocco, Namibia, Nepal, Norway, Oman, Republic of Moldova, Romania, Russian Federation, Saudi Arabia, Serbia and Montenegro, Slovenia, South Africa, Spain, Sri Lanka, Tunisia, Turkey, United Arab Emirates, Uruguay, Yemen, Zimbabwe.

18. *The Honduran motion to reverse the order of consideration of the proposals before the Committee was adopted by 69 votes to 39, with 39 abstentions**.

19. **The Chairman** suggested that the Committee should proceed to vote on draft resolution A/C.6/59/L.27/Add.1.

* The delegation of Dominica subsequently informed the Committee that it had intended to vote in favour of the Honduran motion.

20. **Mr. Pecsteen de Buytswerve** (Belgium) said that his delegation wished to introduce a number of amendments to draft resolution A/C.6/59/L.27/Add.1.

21. **Mr. Suazo** (Honduras), speaking on a point of order, said that pursuant to rule 128 of the rules of procedure of the General Assembly, once the Chairman had announced the beginning of voting, it could be interrupted only on a point of order in connection with the conduct of the voting.

22. **The Chairman** said that he had not announced the beginning of voting and that the representative of Belgium was therefore entitled to make a statement.

23. **Mr. Pecsteen de Buytswerve** (Belgium) proposed three amendments to draft resolution A/C.6/59/L.27/Add.1. First, the clause "and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted", which had previously been contained in the second preambular paragraph of draft resolution A/C.6/59/L.26*, should be reinserted at the end of the second preambular paragraph of draft resolution A/C.6/59/L.27/Add.1. His delegation did not understand why the reference had been deleted as it was at the heart of both the draft resolution and the agenda item itself, and had underpinned the initial Franco-German initiative three years earlier. Second, his delegation found it strange that paragraph (a) addressed not human cloning but the protection of human life in the application of the life sciences, which was a much more complex and controversial subject. Paragraph (a) should therefore be deleted. Third, paragraph (b) should be reworded as follows: "Member States are called upon to prohibit the reproductive cloning of human beings; they are also called upon to prohibit other forms of human cloning inasmuch as they are incompatible with human dignity". The proposed amendments would strengthen the text by including an explicit reference to the reproductive cloning of human beings, the most urgent danger currently facing the international community. In his delegation's view, it was unacceptable to adopt a declaration on human cloning which did not clearly and unequivocally condemn the reproductive cloning of human beings.

24. **Mr. Suazo** (Honduras) said that the amendments proposed by the representative of Belgium were unacceptable, as they would lead to yet more confrontation and division. His delegation had worked hard to keep draft resolution A/C.6/59/L.27/Add.1 intact in order to arrive as close to consensus as possible. The Belgian proposal was merely an attempt to cancel out that good work. His delegation would therefore vote against the proposed amendments and called on all delegations which had supported the draft resolution to do the same.

25. **Mr. Stagno Ugarte** (Costa Rica) said it was surprising that after five days of seeking consensus, the delegation of Belgium was now proposing amendments. His delegation, too, could have introduced amendments, but it was fully committed to the Working Group process and to draft resolution A/C.6/59/L.26*, and had therefore refrained from doing so. Draft resolution A/C.6/59/L.26* had been negotiated in good faith by the delegations of Costa Rica and Belgium, with the delegation of Italy joining the process when those bilateral negotiations had stalled. Apart from a small but clever change in wording by Italy, namely, changing "being" to "life", the language of draft resolution A/C.6/59/L.26* was essentially the same as that proposed by Belgium. Draft resolution A/C.6/59/L.26* had been transformed by the Working Group into draft resolution A/C.6/59/L.27/Add.1, which represented the final stage reached in the negotiations. The amendments now being put forward were aimed not at fostering but at destroying consensus. He invited the Belgian delegation to adopt a more constructive approach; if, however, Belgium insisted on putting forward the amendments in question, his delegation would request a recorded vote and would call on all delegations to vote against them.

26. **Mr. Ndekhedehe** (Nigeria) asked whether paragraphs (a) and (b) could not simply be reversed, although that suggestion was not to be taken as a formal amendment.

27. **Mr. Kitaoka** (Japan) said that his delegation endorsed the amendments proposed by the representative of Belgium.

28. **Mr. Peersman** (Netherlands) said that his delegation also endorsed the Belgian amendments and believed that action should be taken on them without delay.

29. **Mr. Elyseu-Filho** (Brazil) said that his delegation, too, endorsed the Belgian amendments. The proposed amendment to the second preambular

paragraph of A/C.6/59/L.27/Add.1 would merely reinsert language previously contained in draft resolution A/C.6/59/L.26* at a time when, with the exception of one operative paragraph, it had been a consensus text. Furthermore, the expression "cloning of human beings" had been widely used by the Committee during the past four years and no objections had been raised. It was strange, therefore, that there should now be such fierce opposition to using that expression as an alternative to the term "human life", which was much broader and went beyond the scope of the current exercise.

30. **Mr. Pecsteen de Buytswerve** (Belgium), responding to the comments made by the representative of Costa Rica, said that his delegation had done its utmost to promote consensus while the draft resolution was still being negotiated. However, since the negotiations had concluded and the text was being put to a vote, his delegation was exercising its right to put forward amendments reflecting its own point of view. Belgium was upholding a principle rather than engaging in a procedural manoeuvre; if there had been any such manoeuvres, they had not come from his delegation.

31. **Mr. Suazo** (Honduras) asked whether the Chairman intended to ask the Committee to vote on Belgium's proposed amendments to the Honduran draft resolution as a block or individually.

32. **The Chairman** said that he had been guided by Belgium's wish that the Committee should vote on its proposals individually. He invited the Committee to take action on the Belgian proposal to amend the second preambular paragraph of draft resolution A/C.6/59/L.27/Add.1.

33. *A recorded vote was taken.*

In favour:

Argentina, Armenia, Bahamas, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Estonia, Finland, France, Germany, Ghana, Greece, Grenada, Hungary, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mali, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Netherlands, New Zealand, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Burundi, Costa Rica, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Guatemala, Haiti, Honduras, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Madagascar, Malta, Marshall Islands, Federated States of Micronesia, Nicaragua, Nigeria, Panama, Papua New Guinea, Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Sudan, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Uzbekistan.

Abstaining:

Algeria, Austria, Azerbaijan, Bahrain, Barbados, Brunei Darussalam, Burkina Faso, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liechtenstein, Malaysia, Maldives, Nepal, Norway, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, Spain, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Yemen.

34. *The Belgian proposal to amend the second preambular paragraph of draft resolution A/C.6/59/L.27/Add.1 was adopted by 59 votes to 47, with 41 abstentions.*

35. **The Chairman** invited the Committee to take action on the Belgian proposal to amend draft resolution A/C.6/59/L.27/Add.1 by deleting paragraph (a).

36. *A recorded vote was taken.*

In favour:

Argentina, Armenia, Bahamas, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Ghana, Greece, Grenada, Hungary, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg,

Mali, Mongolia, Namibia, Netherlands, New Zealand, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Zimbabwe.

Against:

Albania, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Guatemala, Guyana, Haiti, Honduras, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Federated States of Micronesia, Morocco, Nicaragua, Nigeria, Panama, Papua New Guinea, Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Sudan, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan.

Abstaining:

Algeria, Austria, Azerbaijan, Bahrain, Barbados, Burkina Faso, Congo, Cyprus, Djibouti, Egypt, Germany, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Liechtenstein, Malaysia, Maldives, Nepal, Niger, Norway, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, Spain, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Uruguay, Yemen.

37. *The Belgian proposal to amend draft resolution A/C.6/59/L.27/Add.1 by deleting paragraph (a) was rejected by 57 votes to 48, with 42 abstentions.*

38. **The Chairman** invited the Committee to take action on the Belgian proposal to amend draft resolution A/C.6/59/L.27/Add.1 by rewording paragraph (b).

39. *A recorded voted was taken.*

In favour:

Argentina, Armenia, Bahamas, Belarus, Belgium, Botswana, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Ghana, Greece, Grenada, Hungary, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Mali, Mauritius, Mongolia, Namibia, Netherlands, New Zealand, Poland, Republic of Korea, Russian Federation, Singapore, South Africa, Sri Lanka, Sweden, Switzerland, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Against:

Albania, Antigua and Barbuda, Australia, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Burundi, Comoros, Costa Rica, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Guatemala, Guyana, Haiti, Honduras, Iraq, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Madagascar, Malta, Marshall Islands, Federated States of Micronesia, Morocco, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Philippines, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Sudan, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan.

Abstaining:

Algeria, Austria, Azerbaijan, Bahrain, Barbados, Brunei Darussalam, Burkina Faso, Chile, Congo, Djibouti, Ecuador, Egypt, Germany, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Liechtenstein, Malaysia, Maldives, Mexico, Nepal, Niger, Norway, Oman, Pakistan, Peru, Qatar, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovenia, Spain, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, Yemen.

40. *The Belgian proposal to amend draft resolution A/C.6/59/L.27/Add.1 by rewording paragraph (b) was rejected by 55 votes to 52, with 42 abstentions.*

41. **The Chairman** invited the Committee to take action on draft resolution A/C.6/59/L.27/Add.1, as orally amended.

42. *A recorded vote was taken.*

In favour:

Albania, Andorra, Antigua and Barbuda, Australia, Austria, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Comoros, Costa Rica, Croatia, Democratic Republic of the Congo, Ecuador, El Salvador, Eritrea, Ethiopia, Gambia, Georgia, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Kazakhstan, Kenya, Kyrgyzstan, Lesotho, Liechtenstein, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Morocco, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Slovakia, Slovenia, Sudan, Suriname, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan.

Against:

Belarus, Belgium, Brazil, Bulgaria, Cambodia, Canada, China, Colombia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Greece, Iceland, India, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of Korea, Singapore, Sweden, Thailand, Tonga, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Barbados, Botswana, Burkina Faso, Congo, Djibouti, Egypt, Ghana, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Malaysia, Maldives, Mali, Mongolia, Namibia, Nepal, Niger, Oman, Pakistan, Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Tunisia, Turkey, Ukraine, Uruguay, Yemen, Zimbabwe.

43. *Draft resolution A/C.6/59/L.27/Add.1, as orally amended, was adopted by 71 votes to 35, with 43 abstentions.*

44. **Mr. Ha** Chan-ho (Republic of Korea), speaking in explanation of vote, said that his delegation had done its best to cooperate despite opposition from a group which refused to accommodate the views of others. It deeply regretted that no consensus had been reached on a declaration. The Republic of Korea had voted against the draft resolution because the term "human life", which lay at its core, was ambiguous and confusing, carrying different meanings in different States, societies, cultures and religions. Its interpretation should be left to individual States.

45. Therapeutic cloning offered the prospect of a breakthrough in conquering diabetes, Parkinson's disease, spinal cord injuries, cancer and even HIV/AIDS. If practised under strict regulation, therapeutic cloning techniques could enhance human dignity by relieving the suffering and misery of millions. His Government, which was firmly committed to protecting human dignity, had already instituted strict measures to regulate cloning-related research through its domestic law.

46. **Mr. Haj Ibrahim** (Syrian Arab Republic) said that his delegation associated itself with the statement made by the representative of Turkey on behalf of the Organization of the Islamic Conference. The Syrian delegation deplored the Committee's recourse to a vote in order to settle differences among its members, breaking its own tradition of consensus. States should be left to interpret the term "human life" as they saw fit.

47 **Mr. Watson** (United Kingdom) regretted the absence of consensus in the Committee on the item in question. His delegation had voted against the draft resolution because it could not support a political declaration which might be interpreted as a ban on all forms of human cloning. The United Kingdom remained opposed to reproductive cloning and called on all States to join it in taking urgent action through their national legislation to ban such an abhorrent practice.

48. Each State should, however, reach its own national consensus on whether to permit or prohibit therapeutic cloning. The United Kingdom permitted the technique, believing that it offered the hope of new treatments to benefit millions of people and their families, but it respected the cultural, religious and social differences which might lead other countries to take a different approach.

49. The Declaration just adopted was non-binding, did not reflect consensus within the General Assembly,

and would not affect his country's approach to stem-cell research.

50. **Mr. Pecsteen de Buytswerve** (Belgium) said that his delegation had voted against the draft resolution because the Declaration it contained did not sufficiently distinguish between reproductive cloning, which was ethically unacceptable and must be banned, and therapeutic cloning, over which opinions were divided.

51. Belgium believed that, in the interest of science and for the good of humanity, States must have the opportunity to permit therapeutic cloning under strictly defined conditions and with appropriate safeguards. To that end, Belgium had held lengthy and wide-ranging consultations culminating in the adoption of legislation.

52. The Declaration lacked any validity, having been the outcome of a divided vote resulting from a contentious process. Belgium did not consider it binding and had no intention of reconsidering its legislation on cloning.

53. **Mr. Menon** (Singapore) said that his delegation, while not surprised at the inability of the Working Group to negotiate a declaration acceptable to all, regretted that Member States had voted on a matter with profound philosophical, ethical and religious significance, rather than agreeing to disagree. No single State, ethnic group or religion should be allowed to prevail over others who held divergent but equally deep-seated views and beliefs. That only deepened the divide between the parties involved.

54. There had been no change in the unanimous view, expressed in General Assembly resolution 56/93, that the reproductive cloning of human beings was an abhorrent prospect and must be banned unequivocally. Unfortunately, that worthy objective had been hijacked in a misguided bid to widen the ban to include important research which had the potential to find effective remedies for hitherto incurable ailments.

55. A more pragmatic and constructive approach to the issue had been put forward in draft resolution A/C.6/59/L.8, which focused on building consensus where there was agreement and respecting the divergence of views where there was no agreement. Unfortunately, that effort had not succeeded. Singapore had voted against draft resolution A/C.6/59/L.27/Add.1 because it sought to impose a single set of values and beliefs upon the international community. As a result, it had enjoyed the support of only a minority of Member States, casting doubt on its value as a political declaration.

56. Singapore nonetheless remained committed to the highest standards of ethical practice in life sciences research. It had introduced its own legislation to ban reproductive cloning and strictly regulate all activities which might lead to such cloning. Singapore's Bioethics Advisory Committee, which included representatives of its many ethnic and religious groups, had established national ethical guidelines which stressed respect for human dignity and sought to ensure that women were not exploited in efforts to broaden scientific knowledge and its applications. His Government intended to make the guidelines mandatory through legislation to be introduced shortly.

57. **Mr. Su** Wei (China) said that his delegation had participated in good faith in the negotiations and had hoped for consensus, but patience, sincerity and compromise had not produced the desired result. Reproductive cloning raised serious ethical and moral issues and should be banned, but there was no basis for an international ban on therapeutic cloning, because all States had a different understanding of the matter. China believed that each country should adopt its own domestic measures according to its own ethical, moral, cultural and religious principles. That could result in a ban, a moratorium or strict controls on therapeutic cloning in order to protect human dignity.

58. China had voted against the draft resolution because its language was vague and could be interpreted as banning therapeutic cloning. China did not consider the Declaration binding.

59. **Mr. Kitaoka** (Japan) said that his delegation, having made every effort to foster consensus, regretted that the Committee had been forced to vote on the draft resolution.

60. Japan had voted against the draft resolution because it failed to embrace the diversity of policies on human cloning which existed among Member States and because it was difficult to interpret as permitting therapeutic cloning. In July 2004, after the matter had been carefully considered by bioethics experts and others, his Government had decided to permit the creation and utilization of cloned human embryos for research purposes under strict conditions which

respected human dignity. The adoption of the draft resolution would not affect that policy.

61. **Mr. Shestakov** (Russian Federation) said that the issue of cloning brought into play complex scientific, moral and ethical considerations. Although the Russian Federation had always favoured decision-making by consensus in that regard, the sensitivities of Member States had stood in the way of consensus not just on a binding international convention, but even on a declaration.

62. His delegation had voted in favour of the Declaration as proposed by Honduras, along with the amendments proposed by Belgium, on the ground that the Declaration maintained a correct balance between permission and prohibition. In accordance with the Declaration, States would adopt appropriate legislation to prohibit reproductive cloning while allowing therapeutic cloning to be developed within a suitable legal framework, provided that human life and dignity were protected.

63. **Mr. Sareva** (Finland) said that his delegation deeply regretted the inability to reach consensus, as the Committee had thus failed to send a strong political message to the world. His delegation could accept many elements of the Declaration, but had difficulties with paragraph (b), as it represented a shift in focus from reproductive cloning to therapeutic cloning. While reproductive cloning was criminalized in Finland, its legislation allowed for therapeutic cloning. His delegation could not support a solution which prejudged national decision-making on the subject, and had therefore voted against the draft resolution.

64. **Ms. Dissing** (Denmark) said that her delegation had voted against the Declaration for the reasons already given by many previous speakers.

65. **Ms. Hallén** (Sweden) said that while her delegation had voted against the Declaration, it respected the views of other delegations. Sweden supported a total ban on reproductive cloning, which violated human dignity, and planned to introduce legislation to that effect. All forms of cloning should be regulated by national norms. Her delegation supported medical research and the search for knowledge provided that human values were not jeopardized. Sweden did not feel bound by the Declaration and could not accept any statement that could be interpreted as banning therapeutic cloning.

66. **Mr. Gal** (Mongolia) said that despite many concessions made by all parties, the gap between positions had been too wide to be bridged. His delegation had supported the amendments proposed by Belgium, as it believed that the concept of human cloning should not be rejected outright.

67. **Mr. Løvald** (Norway) said that his Government opposed all forms of human cloning, a position that was reflected in its domestic legislation. His delegation would have been willing to join a consensus, but saw no merit in a non-binding declaration adopted by a vote. It had therefore voted against the Declaration.

68. **Ms. Collet** (France) said it was regrettable that it had not been possible to reach consensus on the Declaration. At the centre of the discussion, there was consensus that reproductive cloning should be banned, but differences arose over therapeutic cloning and embryonic research. France banned reproductive cloning, but could not support statements that could be interpreted as banning therapeutic cloning, and had therefore voted against the Declaration.

69. **Ms. Ramos Rodríguez** (Cuba) said that her delegation had voted against the Declaration in line with its well-known position on the subject. While Cuba firmly opposed reproductive cloning, therapeutic cloning had the potential to provide the solution to many serious medical problems. Her delegation would have preferred to adopt a convention, but had worked with other delegations in an effort to achieve consensus on the text of a declaration, and regretted that that had not been possible. The Declaration should not be interpreted as an obstacle to scientific research for the benefit of humanity that ensured full respect for human dignity.

70. **Mr. Ndekhedehe** (Nigeria) said that his delegation had voted in favour of the draft resolution for lack of a better option. In its view every form of cloning was an invasion of human life and dignity. Cloning also exposed women, especially those from developing countries, to exploitation and dehumanization. The international community might better focus its efforts on eliminating malaria, HIV/AIDS, poverty and hunger if it was really concerned for the well-being of humanity. His delegation called on the United Nations to act within five years to elaborate a convention banning all forms of human cloning.

71. **Mr. Díaz Paniagua** (Costa Rica) said that the Committee had done the right thing in finally taking a decision on human cloning. Human dignity should always prevail over the interests of science.

72. **Ms. Wilson** (United States of America) said that her delegation had supported the adoption of the Declaration. The international community had thereby confirmed its abhorrence of human cloning and declared its commitment to protecting the sanctity of human life and respect for human dignity. The Declaration called on Member States to enact legislation without delay to prohibit all forms of human cloning. The Committee's action was an important step on the path to achieving a culture of life by ensuring that scientific advances always served human dignity and did not take advantage of some vulnerable lives for the benefit of others.

73. Her delegation called for further steps in the form of legislative action at the national level as the most effective route to dealing with the potential threat of human cloning.

74. **Mr. Elyseu-Filho** (Brazil) said it was regrettable that it had not been possible to reach consensus, as a declaration adopted by means of a vote would only accentuate the divisions within the international community. His delegation had voted against the Declaration because of its vague language. Therapeutic cloning should be dealt with at the national level. His delegation also regretted the Committee's deviation from its original mandate to establish a complete ban on reproductive cloning.

75. **Ms. Taj El Dine** (Bolivarian Republic of Venezuela) said that her delegation had voted against the Declaration because it did not clearly meet the objective of establishing a complete ban on reproductive cloning. It also did not correspond to the goals expressed in her country's Constitution for the development of the person. Her Government supported scientific research carried out with full respect for human dignity, and expected that therapeutic cloning could benefit millions of families throughout the world.

76. **Mr. Adsett** (Canada) said his delegation deeply regretted that it had not been possible to achieve consensus on the important issue of human cloning. Canada was concerned that the vote would serve to further entrench the differences that had been expressed. His Government's position was that all forms of human cloning, for any purpose, should be prohibited. In the view of his delegation, however, the language of the text reflected a considerable expansion of the General Assembly mandate for the elaboration of a declaration on human cloning; it ventured into the complex area of reproductive rights, and that was unacceptable.

77. **Ms. Geldof van Doorn** (the Netherlands) said that her delegation had voted against the Declaration because her Government, which banned reproductive cloning, had no intention of enacting legislation to ban therapeutic cloning. The number of votes against the Declaration and the number of abstentions indicated that the international community was far from ready to ban therapeutic cloning.

78. **Mr. Much** (Germany) said that, while his delegation had voted in favour of the draft resolution, there was no cause for celebration. He hoped that the adoption of the Declaration would be a first step away from the anarchy currently surrounding the issue of human cloning.

79. **Archbishop Migliore** (Observer for the Holy See) said he regretted that it had not been possible to reach consensus; he nonetheless congratulated the majority of Member States which had stated their willingness to protect human life.

80. **The Chairman** said that no action would be taken on draft resolution A/C.6/59/L.26*. The Committee had thus concluded its consideration of the agenda item.

Organization of work

Provisional programme of work of the Committee at the sixtieth session of the General Assembly

81. **The Chairman** said that, if he heard no objections, he would take it that the Committee wished to adopt the provisional programme of work as proposed by the Bureau.

82. *It was so decided.*

Revitalization of the work of the General Assembly

83. **The Chairman** said that, in accordance with General Assembly resolution 58/316, the Committee had embraced an ongoing process of revitalization and would continue to take measures to enhance and rationalize its work. Measures discussed during

informal consultations had included the biennialization of certain items, the holding of interactive debates and the adoption of a provisional programme of work well in advance of the session.

84. Since the process of revitalization was continuous, the Committee might give consideration in the future to the question of how to further improve its interactions with the International Law Commission and how to increase government responses to the questionnaires prepared by the Commission and comments on the Commission's draft articles. The Committee's web site had also become a useful tool both for members and for others interested in its work.

85. It was his intention to send a letter to the President of the General Assembly informing him of the aforesaid measures and stressing the special role that the Committee could play in enhancing the rule of law. Consideration should be given to how legal issues could be channelled to the Committee, thus further enhancing its role as the Legal Committee of the General Assembly.

Closure of the session

86. *After the customary exchange of courtesies, the Chairman declared the work of the Committee at the fifty-ninth session closed.*

The meeting rose at 6.45 p.m.